

A RESOLUTION

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

02-*R*-1136

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$66,412.25 TO RONALD G. WHITTLE IN
SETTLEMENT OF HIS CLAIM AGAINST THE CITY OF
ATLANTA**

WHEREAS, during 2001 and 2002 the City, through its contractor, Shaheed's Construction Company, Inc., has been installing new storm sewers around and through Fairview Road in Northeast Atlanta; and

WHEREAS, Ronald G. Whittle has filed a claim against the City of Atlanta seeking recovery for damages sustained to his property arising from the construction of a storm sewer on his property by Shaheed's Construction Company, Inc.; and

WHEREAS, the damage done by Shaheed's Construction Company, Inc., included knocking down a tree that fell onto the claimant's electrical wiring causing a fire in the claimant's home, extensive damage to the landscaping, deck, patio, porch, driveway, stone walls and the claimant further suffered the loss of rental income from two apartments located in his home; and

WHEREAS, additional damage appears to have been done to the property by City forces attempting to remedy the damage done by Shaheed's Construction Company, Inc.; and

WHEREAS, the claimant has asserted damages in excess of \$70,000.00 but has agreed to accept the sum of \$66,412.25 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Ronald G. Whittle be settled for the sum of \$66,412.25.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$66,412.25 be paid by the City of Atlanta in satisfaction of any and all claims Ronald G. Whittle may have stemming from damages sustained to his property located at 1315 Fairview Road during 2001 and 2002; and

BE IT FURTHER RESOLVED that the City Attorney be granted the authority to take all necessary action, up to and including the filing of a lawsuit to pursue recovery for the damages caused by the contractor, Shaheed's Construction Company, Inc.; and

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BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.